



Attorney Docket No.: 622/40901C2  
PATENT

### **THIRD SUPPLEMENTAL DECLARATION**

As the below named inventor, I hereby declare that my citizenship, residence postal address and residence are as stated below; that I verily believe myself to be the original, first and sole inventor of the invention entitled:

#### **VACUUM PROCESS APPARATUS**

the specification of which was filed on September 19, 1995, in the parent application and included original U.S. Patent No. 5,245,736, issued September 21, 1993, and amendments thereto as required by 37 C.F.R. § 1.171 *et seq.*

I verily believe that, as provided in 37 C.F.R. § 1.175, as amended, the original U.S. Patent No. 5,245,736 is partly or wholly inoperative or invalid because I claimed less than I had a right to claim in the patent, in particular Claims 1 and 16 and the claims dependent thereupon being insufficiently broad and Claims 35-54 and 72 being required to more comprehensively cover my invention.

All errors being corrected by Preliminary Amendment dated July 19, 2000 and by the Reply dated April 10, 2002, in this reissue application up to the time of filing of this Declaration arose without deceptive intent.

I continue to offer to surrender the original patent and/or provide an appropriate affidavit or declaration in the event the same is lost, upon the indication of allowability of the reissue patent application.

I hereby state that I have reviewed and understand the contents of the above-identified Specification, including the Claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (a).

I hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)	A.	31 May 1991	Priority Claimed
<u>4117969</u> (Number)	<u>Germany</u> (Country)	<u>(Day/Month/Year)</u>	<u>Yes</u>

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 (a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>07/888,111</u> (Application No.)	<u>May 26, 1992</u> (Filing Date)	<u>U.S. Patent 5,245,736, for which this is a reissue application; and Application No. 08/962,776, filed November 3, 1997, for which this is a continuation application</u> (Status)
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I hereby appoint as principal attorneys:

Herbert I. Cantor, Reg. No. 24,392; James F. McKeown, Reg. No. 25,406; Donald D. Evenson, Reg. No. 26,160; Joseph D. Evans, Reg. No. 26,269; Gary R. Edwards, Reg. No. 31,824; Jeffrey D. Sanok, Reg. No. 32,169 and Richard R. Diefendorf, Reg. No. 32,390, to prosecute and transact all business in the Patent and Trademark Office connected with this application and any related United States and international applications. Please direct all communications to:

**CROWELL & MORING, LLP**  
**P.O. Box 14300**  
**Washington, D.C. 20044-4300**  
**Telephone: (202) 628-8800**  
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INVENTOR:  
Citizenship:  
Post Office Address/  
Residence:

09. FEB. 2005

(date)

Roman SCHERTLER  
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*Roman Schertler*

(signature of inventor)

**ASSIGNEE'S CONSENT**

Unaxis Balzers Aktiengesellschaft, by name change from Balzers Aktiengesellschaft as recorded at Reel 011356, Frame 0829, assignee of the entire right, title and interest in and to U.S. Letters Patent No. 5,245,736, as recorded at Reel 6185, Frame 0599 on the Assignment Records of the U.S. Patent and Trademark Office, hereby assets to the filing of this application for reissue and the subsequent amendments.

Date: 09. FEB. 2005

Unaxis Balzers Aktiengesellschaft

By: *Erich Haefeli*

Name: Erich Haefeli

Title: Board Member & General Counsel

Date: 09. FEB. 2005

Unaxis Balzers Aktiengesellschaft

By: *Joerg Baur*

Name: Joerg Baur

Title: Patent Department Head